

REMARKS

Claims 1-6, 9 and 11-20 were rejected under 35 U.S.C. § 102(b) as anticipated by or, in the alternative, under 35 U.S.C. § 103(a) as obvious over U.S. Patent 4,028,431 to Futami et al.

Futami et al has recited as disclosing a thermoplastic polymer composition meeting each of the terms of the rejected claims, including a fluororesin (a copolymer of ethylene, perfluoro propylene and TFE) and silicone rubber with peroxide crosslinker. Because the prior art composition is said to have the same chemical make-up as the claimed composition, the Examiner further considered that the prior art composition would *inherently* have a melting point within the scope of present claim 2.

The rejection should be withdrawn because Futami et al does not disclose or suggest a thermoplastic polymer composition comprising fluororesin (A) and a non-fluorine-containing cured rubber (B) as defined in present claim 1.

In more detail, the copolymer (A) of ethylene HFP/TFE disclosed by Futami et al is not a resin, but rather is an elastomer. This is clear from the descriptions at col. 2, lines 18-21 and at col. 2, lines 32-35, reproduced below.

A desirable hexafluoroprotein content of the fluorine-containing ethylene copolymer (A) is in the range from 10-50 mole-% depending on the desired properties of the intended elastomer.

The content of the ethylenically unsaturated monomer and the fluorine-containing ethylene polymer may be in the range from 0-50 mole-%, depending on the desired properties of the intended elastomer.

Moreover, the elongations (%) of the Formulation 1 in TABLE 1, Formulation 6 in TABLE 2, Formulation 10 in TABLE 3 and Formulation 21 in TABLE 5 which are all large and over 210% even when cured further demonstrate that the copolymer (A) of Futami et al is an

elastomer. Therefore, the copolymer (A) according to Futami et al does not have a melting point.

Namely, Futami et al discloses a composition of fluororubber/non-fluorine-containing rubber (silicone rubber), which is not the composition of fluororesin/non-fluorine-containing cured rubber as defined in present claim 1.

Withdrawal of the foregoing rejection and allowance of claims 1-20 is earnestly solicited.

In the event that the Examiner believes that it may be helpful to advance the prosecution of this application, the Examiner is invited to contact the undersigned at the local Washington, D.C. telephone number indicated below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,



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